

**BOROUGH OF WIND GAP
29 MECHANIC STREET
WIND GAP, PA 18091
863-7288
FAX 863-1011**

EXECUTIVE SESSION

The Council met from 6:30 p.m. to 7:30 p.m. for Executive Session at Wind Gap Borough Hall.

The Council meeting of the Borough of Wind Gap on Tuesday, January 19, 2010, was called to order at 7:36 p.m. by Council President, Scott Parsons, at which time he reminded those present that the meeting was being recorded. In attendance were Councilmen: Joe Weaver, Dave Hess, Tony Curio, Kerry Gassler, and John Maher. Also in attendance were Mayor James M. Shoemaker, Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysner and Borough Administrator Louise Firestone. Absent was Councilman George Hinton, Jr.

Council President Scott Parsons informed those in attendance that Council met in Executive Session on, Saturday, January 9, 2010 for approximately an hour and a half, and Wednesday, January 13, 2010 for approximately an hour and a half and this evening on the issue of personnel.

On motion by Scott Parsons that effective immediately Chief Craig Armitage will be suspended until February 16, 2010 with pay. On February 16, 2010, Borough Council will further evaluate the situation. Between now and February 16 he must successfully complete leadership management courses approved by the Mayor. He must turn in his badge, guns and keys directly to the Mayor. Mayor James Shoemaker will be in total control of the Police Department. Sgt. Robert Pepe will be the officer in charge until February 16, 2010. Council has come to this conclusion based on what Council feels as neglect of official duties by the Chief, ineffectiveness and misconduct unbecoming of an officer and seconded by John Maher. Prior to a roll call vote being taken, Council President Scott Parsons asked for any Public Comment regarding this matter. As there was no public comment, the vote was taken. Roll call vote taken. In favor: T. Curcio, D. Hess, J. Maher, S. Parsons, J. Weaver.

K. Gassler abstained stating the reason for his abstention is his employment and he has an opinion from the Liquor Control Board which says:

1. He is allowed to be a member of Borough Council
2. He will neither direct nor indirectly become involved with those matters involving the Police Department or duty to enforce penal ordinances or laws.
3. He will neither direct nor indirectly become involved on the voting of resolutions that direct the Police Department to proceed with any particular action that involves the duty to enforce ordinances nor other laws that directly or indirectly to violate the liquor code.
4. He will neither direct nor indirectly vote to become involved in the passage or enforcement of any penal ordinances or resolutions.

Motion carried with a vote of 5-0-1.

PUBLIC COMMENT

1. A resident questioned what Chief's suspension is based on? Scott Parsons replied that neglect of duties, inefficiency and conduct unbecoming an officer and at this time it will be evaluated further. She asked if Council is allowed to specify or clarify this? Scott replied, no. Borough Solicitor, Ron Karasek, added that if the Chief wants Council to specify or clarify then Council can be more specific because it is his personnel rights which are being affected and if he wants the issues aired at a public meeting, but if he says no or does not want that done, then Council should just move on.

2. Rick Keenhold 215 West Eighth Street, Wind Gap. Rick stated that Council condemned a piece of his property eight years ago and it took eight years to get straightened out, but finally last year that issue was settled. He now wants the tax issue resolved and asked how long that will take to resolve. Ron Karasek stated that the Real Estate Tax Assessment Office has declared that piece of property tax exempt. Rick asked about the entire property and requested that he be reimbursed for the section that the Borough held for eight years. Ron replied that it is up to Borough Council to make that decision. Rick acknowledged that some of the taxes have been paid, but some have not been paid. Ron will look at the numbers and advise Council of the amount. Ron asked Rick to provide the tax bills for the property and those bills include Borough, County and School taxes.

Rick had another issue regarding the property at the corner of North Broadway and Eighth Street. He stated that approximately one month ago, the Police Chief and a Council member turned him in to the Borough's Zoning Officer and was issued an Enforcement Notice. He contacted the Zoning Officer and asked that an inspection be done so that the notice could be removed and to date that inspection has not occurred. Brian Pysher stated that he has some knowledge of the issue and the Zoning Officer was trying to coordinate an inspection including a representative from Labor and Industry and that has not happened yet. Rick agreed that if something is being done he would need Labor and Industry approval, but he stated that he is only cleaning up the property and does not need a permit to do so. Ron added that if Rick feels he is not doing anything, that the information is communicated to the Zoning Officer so that you failed to take action and it proceeds to the next level. The communication should be in writing so that the Zoning Officer has that in hand and if he feels that an enforcement notice was issued in error he could appeal that decision to the Borough's Zoning Hearing Board and if he would win that appeal all ZHB monies would be refunded to him. It was decided that Brian would contact Rick early next week to set up a walk through. If nothing has been done since the last time Brian did a walk through with the property owner, Mr. Miller, Brian will inform the Zoning Officer and the notice will be rescinded at that time.

APPROVAL OF MINUTES

On motion by Kerry Gassler to approve the minutes of the meeting of December 17, 2009 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

On motion by Kerry Gassler to approve the minutes of the meeting of January 4, 2010 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

NEW BUSINESS

1. Proposed 2010 Council meeting schedule. Council discussed the proposed meeting schedule for the entire year.

On motion by Tony Curcio to meet the first Monday and third Tuesday of every month with the exception of June, which would be Monday, June 7 and Tuesday, June 22, 2010, one meeting in July on Monday, July 12, 2010, one meeting in August, Monday, August 2, 2010 and Tuesday, September 7, 2010 and seconded by Dave Hess. Roll call vote taken. Motion carried unanimously.

2. Appointment of Council Committees

Scott Parsons announced the following:

Ambulance Corps – Kerry Gassler, Joe Weaver
Fire Company – Dave Hess
Zoning Hearing Board – Tony Curcio
Planning Commission – Scott Parsons
Municipal Authority – John Maher
Streets – George Hinton, John Maher, Dave Hess
Police – Mayor James Shoemaker
911 – Tony Curcio
Buildings – Tony Curcio, Kerry Gassler, Jon Faust
Tipping Fees – Tony Curcio, George Hinton, Joe Weaver
Parks – Joe Weaver

3. **On motion** by Kerry Gassler to reappoint the Borough Solicitor, Ronold Karasek, law firm of Martino, Karasek, Martino and Lopiano-Reilly and Borough Engineer, Collura Engineering and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

4. Board Member Appointments

On motion by Dave Hess to re-appoint Ralph Stampone to the Wind Gap Municipal Authority for a five year term (ending December 31, 2014) and seconded by John Maher. Roll call vote taken. Motion carried unanimously.

On motion by Dave Hess to re-appoint John Barto to the Wind Gap Municipal Authority for a five year term (ending December 31, 2014) and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

On motion by Tony Curcio to appoint Jon Faust to the Wind Gap Municipal Authority to fulfill the term of Barry Cortez which will expire December 31, 2012 and seconded by Kerry Gassler. Roll call vote taken. Motion carried unanimously.

On motion by Kerry Gassler to re-appoint Scott Parsons to the Wind Gap Planning Commission for a four year term (ending December 31, 2013) and seconded by Tony Curcio. Roll call vote taken. In favor: D. Hess, J. Maher, J. Weaver, T. Curcio, K. Gassler. Abstained: S. Parsons. Motion carried with a vote of 5-0-1.

On motion by Tony Curcio to re-appoint Sam Nittle to the Wind Gap Zoning Hearing Board for a three year term (ending December 31, 2012) and seconded by John Maher. Roll call vote taken. Motion carried unanimously.

On motion by Kerry Gassler to re-appoint Cathie Yob to the Wind Gap Park Board for a four year term (ending December 31, 2013) and seconded by Dave Hess. Roll call vote taken. Motion carried unanimously.

On motion by Kerry Gassler to appoint Matthew Dietz to the Wind Gap Park Board to fulfill one of the vacant seats (ending December 31, 2010) and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

On motion by Kerry Gassler to appoint Dave Valley to the Wind Gap Park Board to fulfill one of the vacant seats (ending December 31, 2011) and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

5. Police Department. Scott stated that Council had discussed hiring part-time patrolmen during the budget discussions and the money is already in the budget. Council hopes that two more officers would help alleviate some of the issues with overtime and scheduling issues.
On motion by Dave Hess to advertise to two part-time police officers and seconded by Tony Curcio. Roll call vote taken. In favor: D. Hess, J. Maher, S. Parsons, J. Weaver, T. Curcio. Abstained: K. Gassler. Motion carried with a vote of 5-0-1.
6. Joe Weaver reported that he attended the first Park Board meeting of the year last week. The Street department has done repairs to the roof on the AA building, but it is still leaking water and the Park Board asked three roofers to give estimates to replace the roof. The building is owned by the Borough, but is used by the AA and the Park Board feels there is an obligation to repair the building. All three estimates were roughly around \$3,300. Council discussed the replacement and tabled the award until the February 1, 2010 Council meeting to gather more information and get the written estimates from the Park Board.
7. Tony Curcio reported that a Zoning Hearing Board meeting will be held on Wednesday, February 3, 2010.
8. Scott Parsons reported that the Planning Commission met last month to discuss the Muschlitz Quarry development will hold a meeting on Thursday, February 4, 2010 to review the Muschlitz Quarry plan and Kerry Gassler's plan on Washington Street.
9. Dave Hess reported that the Wind Gap Municipal Authority voted to re-appoint John Molnar as their solicitor and Bob Hahn as their administrator. They discussed and approved a rate increase of roughly 50 cents.
10. Mayor James Shoemaker questioned the collection of moving permits to keep accurate tax records and who is responsible for their collection. The Tax Collector informed the Mayor that she sends out tax bills, but they are being returned. She requested that the Borough enforce the collection of the moving permits. The Mayor was informed that the police are responsible for confirming that residents have moving permits. This information will also be included in the monthly newsletter.
11. Borough Engineer, Brian Pysher, reported that there is an issue with pumping water onto Tenth Street which then flows onto North Broadway and freezes. The Zoning Officer sent an enforcement notice specifically stating that the Borough has an ordinance forbidding the pumping of water onto a street and asked that the property owner correct the situation. Brian and George looked at the issue and the property owner is aware that he would be responsible for fixing the water issue at his expense, but the Borough might want to replace the pipe on Tenth Street at the same time. Council agreed that this project should be handled by the Borough's Street Department. Brian explained that the Borough will have to obtain an easement from the property owner because the pipe is out of the Borough's right-of-way.

OLD BUSINESS

1. **On motion** by Kerry Gassler to advertise the West West Street Culvert Project and seconded by John Maher. Roll call vote taken. Motion carried unanimously.

2. Brian Pysher reported that last year he sat with Louise and compiled a “wish list” of projects that need to be done in the Borough and calculated estimates on the cost of each project. The list was forwarded to the local political representatives in an effort to apply for some stimulus funding for several projects. Brian asked Council if for some direction regarding the Alpha Road and/or Lehigh Avenue projects for this year. He recommended doing the Lehigh Avenue project this year with Borough funding and starting the design work for Alpha Road in hopes that some of the stimulus money may be awarded for that project. Through discussions with Louise there is not enough money to complete both projects this year exclusively using Borough funds. The original estimate was \$120,000 for the storm drainage portion and an additional \$170,000 for complete street reclamation. The Borough has approximately \$300,000 in the Liquid Fuels Account including this year’s State allocation. Kerry asked about tipping fees received from Waste Management and set aside specifically for street projects. Currently that account contains approximately \$290,000, but includes monies earmarked for a North Broadway project. Brian stated that he met with Street Leader, John Zucal and received addresses for three properties that currently pump water from their property. Brian to meet with Dave Hess this week and try to get something together for next month.

On motion by Tony Curcio to adjourn the meeting of January 19, 2010. Council agreed unanimously.

The meeting of January 19, 2010 adjourned at 8:26 p.m.

Louise Firestone, Borough Administrator